

## REMARKS

Claim 1 has been amended to incorporate the subject matter of claim 2. Claim 2 has been canceled. Thus, claims 1, 3 and 4 are now pending in the present application. Support for the amendment to claim 1 may be found in original claim 2 and in the specification at page 4, line 23; page 7, line 26; and page 10, line 26 to page 11, line 1. Thus, no new matter has been added. Reconsideration and withdrawal of the present rejections in view of the comments presented herein are respectfully requested.

### Rejection under 35 U.S.C. 103(a)

The Board of Patent Appeals and Interferences upheld the Examiner's rejection of Claims 1-4 under 35 U.S.C. 103(a) as being obvious over Sato et al. (U.S. 5,985,525) in view of Anzures et al. (U.S. 6,900,003), and vice versa.

The BPAI decision states that:

1. It would have been obvious for the skilled artisan to determine the amount of metal that effects a balance between the known benefits and disadvantages (page 4, last line to page 5, line 1).
2. The specification data falls far short of being commensurate in scope with the degree of protection sought by the appealed claims (page 5, lines 6-8).
3. Appellants have not demonstrated that the Specification results would be considered truly unexpected by one of ordinary skill in the art (page 5, lines 19-22).

Claim 1 has been amended so that the data in the specification (i.e. comparison made between the Examples and the Comparative Examples) along with data to be presented in a forthcoming Declaration under 37 C.F.R. 1.132 is commensurate in scope with the claim. The BPAI decision at page 5 states that the data presented in the specification are not commensurate in scope with the pending claims because:

[W]hile the appealed claims encompass developer compositions for all resists, the data is limited to one specific resist, a positive-working photoresist containing a novolak resin and a naphthoquinone diazide. Significantly, Appellants have not

established that the improved dissolution rates would reasonably translate to other resist materials.

Claim 1 as amended recites a developer composition for positive resists, comprising a novolak resin and a naphthoquinone diazide compound. The BPAI decision also notes that the examples in the specification are limited to sodium, potassium and calcium, while the appealed claims encompass all metal substituents. Claim 1 as amended recites that the metal ion is sodium, potassium or calcium.

In addition, the BPAI states that the data in the specification only relates to developer compositions comprising an aqueous solution of 2.38% by mass of tetramethylammonium hydroxide. The claims have now been amended to recite an aqueous solution of 2 to 5% by mass of tetramethylammonium hydroxide, and additional data concerning this range will be provided in the forthcoming Declaration. Thus, the data presented in the specification and in the forthcoming Declaration showing the unexpected advantages of the claimed developer composition (improved dissolution rates), are clearly commensurate in scope with the amended claims.

The forthcoming Declaration under 37 C.F.R. 1.132 referred to above is in the process of being prepared and will be submitted once it is received. As will be illustrated in Table 1 of the Declaration, the relative dissolution time of the claimed alkali metal-containing surfactants (see Examples 4, 9 and 10 of the present specification) is significantly lower than the corresponding ammonium-based surfactant in Comparative Example 1, which does not fall within the scope of present claim 1. In addition, satisfactory dimensional controllability is maintained in Examples 4, 9 and 10. The relative dissolution time of 0.5 in Example 11 of the specification was 3 minutes in terms of actual dissolution time. In other examples, the actual dissolution time varies in proportion to the relative dissolution time.

Further, Examples 1 to 15 show that similar results can be obtained by using various types of anionic metal-containing surfactants in various amounts (1,000-50,000 ppm). The unexpected advantages of the presently claimed developer composition are neither disclosed nor suggested by Sato et al. or Anzures et al., either alone or in combination, and could not have been predicted based by one of ordinary skill in the art. Thus, the unexpected results would effectively rebut any finding of *prima facie* case of obviousness.

In view of the comments presented above, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. 103(a).

CONCLUSION

Applicants submit that all claims are in condition for allowance. Should there be any questions concerning this application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Respectfully submitted,

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